

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

# **IN RE OPTICAL DISK DRIVE ANTITRUST LITIGATION**

CASE NO. 3:10-md-2143 RS (JCS)

**[PROPOSED] ORDER RE DISCOVERY  
MATTERS (November 29, 2012 Discovery  
Status Conference)**

## [ALL ACTIONS]

16 On November 29, 2012, this Court held a hearing on the status of the following  
17 outstanding discovery matters, which are described in the parties' Joint Discovery Conference  
18 Statement (Dkt. No. 715): (1) production of sales, procurement and cost data; (2) list of agreed  
19 upon search terms; (3) prioritized custodians; (4) production of documents from centralized  
20 locations; (5) amended, verified responses to three interrogatories; (6) narrative responses in lieu  
21 of Rule 30(b)(6) depositions; (7) privilege logs for documents withheld from the Grand Jury  
22 production; (8) Depositions; and (9) Plaintiffs' discovery responses. This Order memorializes the  
23 rulings issued on each of those categories of documents and information during the discovery  
24 hearing.

## **1. Production of Sales, Procurement and Cost Data**

26 Defendants shall complete production of sales, procurement and cost data by December  
27 31, 2012. This does not include sales and transactional data that is presently the subject of a

1 Motion for Relief from Non-dispositive Pretrial Order of Magistrate Judge (Dkt. No. 711). .

2       **2. List of Agreed Upon Search Terms**

3              Defendants shall provide Plaintiffs a list of agreed upon search terms no later than  
4 December 6, 2012.

5       **3. Prioritized Custodians**

6              The Court directed the parties to meet and confer about the production of documents from  
7 custodians on a prioritized basis. The Court provided the following factors to consider: First, the  
8 parties shall not prioritize English-speaking custodians merely because review and production of  
9 their documents does not require foreign translation. Second, the parties shall consider: (a)  
10 Plaintiffs' views that the custodians they propose to prioritize are necessary for them to file their  
11 motions for class certification; (b) Defendants' views regarding efficiency; and (c) that the parties  
12 shall identify specific custodians for prioritization, rather than categories or overall numbers of  
13 custodians. The Court directed the parties to select hard deadlines for the completion of  
14 production from each prioritized custodian, but recognized that the parties should be reasonable in  
15 working with one another to work out adjustments to those completion dates when specific  
16 custodial issues arise.

17              The parties' agreements, identified on Attachment A hereto, are approved.

18       **4. Production of Documents from Centralized Files**

19              Defendants shall complete production of the eight categories of documents from  
20 centralized files specified on pages 4-5 of the November 19, 2012 Joint Discovery Conference  
21 Statement (Dkt. No. 715) by December 31, 2012, unless otherwise stipulated to between the  
22 parties.

23       **5. Amended, Verified Responses To Three Interrogatories**

24              Each of the defendant families shall provide amended, verified responses to set one,  
25 interrogatory numbers 4 and 5, and set two, interrogatory number 15, to the extent an agreement to  
26 amend such responses was reached with Plaintiffs, as reflected in the following chart:

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2	BenQ	Complete
3	Hitachi	December 31, 2012
4	HLDS	Complete
5	LG	Complete
6	NEC	January 31, 2013
7	Panasonic	January 31, 2013
8	PLDS	December 31, 2012
9	Quanta	January 15, 2013 (Interrogatory 15) January 31, 2013 (Interrogatories 4-5)
10	Samsung	January 15, 2013
11	Sony	December 17, 2012
12	TEAC	January 15, 2013
13	Toshiba	Complete

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17       **6. Narrative Responses in Lieu of Rule 30(b)(6) Deposition**

18       Except as stated below, all defendants shall provide narrative responses to the Rule  
 19 30(b)(6) deposition notice by December 31, 2012. The Sony Defendants shall provide narrative  
 20 responses by January 15, 2013. The LG Defendants shall provide narrative responses by January  
 21 31, 2013.

22       **7. Privilege Logs for Documents Withheld from the Grand Jury Production**

23       This issue is moot.

24       **8. Depositions**

25       The parties are to meet and confer on a deposition protocol for departing employees. As  
 26 part of that protocol, the Court provided guidance that Defendants should propose a date and  
 27 location for the deposition of a departing employee prior to his or her departure from the company.

1 No other issue concerning depositions is ripe at this time.

2       **9. Plaintiffs' Discovery Responses**

3       This issue is not ripe at this time.

4       **10. Future Discovery Status Conferences**

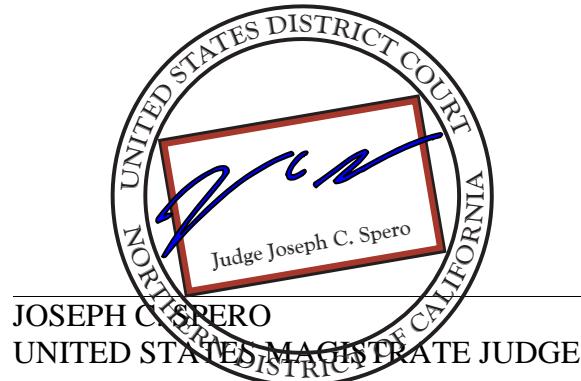
5       The Court will hold a Discovery Status Conference on January 17, 2013 at 9:30 a.m.

6       Counsel who are unable to attend the Discovery Status Conference in person shall be permitted,  
7       with advance notice to the Court and the parties, to appear by telephone.

8       The parties are to submit a joint discovery conference statement by January 10, 2013. The  
9       parties shall meet and confer in order to agree on a schedule for the submission of a discovery  
10      conference statement that provides all parties with an opportunity to prepare a thoughtful response  
11      to each other's positions.

12      **IT IS SO ORDERED.**

13      DATED: December 14, 2012



1                   */s/ Guido Saveri*  
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14                  *Plaintiffs*

15                  */s/ Jeff D. Friedman*  
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27                  *Purchaser Plaintiffs*

28                  Approved as to form:

29                  */s/ Belinda S. Lee*  
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37                  *Liaison Counsel on behalf of all Defendants*

1                   **ATTESTATION OF CONCURRENCE IN THE FILING**

2                   Pursuant to Civil Local Rule No. 5-1(i)(3), I declare that concurrence has been obtained  
3 from each of the above signatories to file this document with the Court.

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5                   /s/ *Cadio Zirpoli*  
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1                   **CERTIFICATE OF SERVICE**

2                   I, Cadio Zirpoli, declare that I am over the age of eighteen (18) and not a party to the  
3 entitled action. I am a partner with the law offices of Saveri & Saveri, Inc., and my office is  
4 located at 706 Sansome Street, San Francisco, CA 94111. On December 13, 2012, I caused to be  
5 filed the following:

6                   **[PROPOSED] ORDER RE DISCOVERY MATTERS (November 29, 2012 Discovery Status  
Conference)**

7                   with the Clerk of the Court using the Official Court Electronic Document Filing System which  
8 served copies on all interested parties registered for electronic filing.

9                   I declare under penalty of perjury that the foregoing is true and correct.

10                   \_\_\_\_\_  
11                   /s/ *Cadio Zirpoli*  
12                   CADIO ZIRPOLI

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